IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4291 OF 2007.

Smt.Laxmibai Narsayya Vadicherla. ... Petitioner.
Versus.
Bhiwandi Nizampur City Municipal
Corporation through its Commissioner.... Respondent.

Shri G.H.Keluskar for the Petitioner.

Shri R.S.Apte with Shri Bubna for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 12th June, 2007.

P.C.:

1. The Petitioner has filed on record an affidavit of her Constituted Attorney. it is stated in the said affidavit that the Petitioner wants to withdraw the original suit unconditionally and wants to apply for regularisation of the suit structure.

2. The learned Advocate for the Petitioner submits that limited protection be granted to enable the Petitioner to apply for regularisation and to obtain appropriate orders on the said application. The said prayer is opposed by the Advocate appearing for the Respondent.

3. The Petitioner wants to withdraw the suit unconditionally and to apply for regularisation. A limited protection can be granted to the Petitioner to enable him to apply for regularisation and to obtain

appropriate orders on the application for regularisation.

4. Hence the petition is disposed of by the following order:

(i) Regular Civil Suit No.433 of 2005 is dismissed as withdrawn.

(ii) Both the parties will maintain status-quo in all respects in respect of the suit structure for a period of three months from today. It is made clear that the Petitioner will maintain status-quo in all respects in the sense that the Petitioner will not carry out any additions or alterations to the suit structure and will not part with possession thereof in favour of any third party.

(iii) All contentions of the parties in so far as the application for regularisation are concerned are expressly kept open.

(iv) Writ Petition disposed of in the above terms.

Judge.